



W.P.No.3349 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3349 of 2020
and W.M.P.Nos.3886 & 3887 of 2020

J.Deva Kirubai

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary,
Education Department,
Fort St. George,
Chennai – 600 009.
2. The Director of Elementary Education,
DPI Campus, Chennai – 600 006.
3. The District Educational Officer,
Thiruvannamalai.
4. The Additional Assistant Elementary
Education Officer now re-designated as
Block Educational Officer,
Polur.
5. The Central Manager/Education Board,
Arcot Lutheran Church,
Danish Mission Elementary and Higher
Elementary Schools,
ALC Central Office,
9 ALC Campus, Cuddalore.

... Respondents



W.P.No.3349 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records of the fourth respondent in proceeding No.Na.Ka.No.2949/R2/2016 dated 31.12.2016 and quash the same, consequently direct the respondents to grant approval to the petitioner in the post of BT Assistant Tamil with effect from 16.11.2016, with all consequential service and monetary benefits.

For Petitioner : Ms.Suneetha
For Respondents
For R1 to R4 : Mr.V.Manoharan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 31.12.2016 passed by the fourth respondent, thereby returned the proposal for approval of the appointment of the petitioner in the post of B.T. Assistant Tamil.

2. The petitioner is qualified with M.A Tamil and also B.Ed. The petitioner was appointed in the fifth respondent school as B.T. Assistant Tamil with effect from 16.11.2016 in the place of one S.Sathya Porkodi Deiva Selvi, Secondary Grade Teacher who had expired. The fifth respondent school fully aided minority institution. Prior to 01.04.2003, the classes 6 to 8 in the middle school were being taught by



W.P.No.3349 of 2020

Secondary Grade Teacher. The government took a policy decision that any vacancy arising in classes 6 to 8 middle school shall only be filled up by B.T. Assistant and not Secondary Grade Teacher.

3. After appointment of the petitioner, the fifth respondent sent proposal for approval of her appointment. It was returned on the ground that the fifth respondent school appointed the petitioner while they were surplus teachers working in the same school without even obtaining any prior permission and without issuing no objection certificate stating that there is no surplus teacher in the very same post appointed the petitioner. Already there are two secondary grade teachers, who were completed graduate degree in Tamil, working in the fifth respondent school.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the counter and on the submissions made by the learned counsel appearing for the respondent revealed that the staff fixation report for the year 2015-16 reads as follows :-



W.P.No.3349 of 2020

WEB COPY

Standard	Student Strength	Total Eligible Post
1-5	138	4 Secondary Grade Teacher (with reference to G.O.Ms.525 School Education Department dated 29.02.1997 – 4 teachers are needed for the student strength between 106-135)
6	45	4-BT Assistant Posts (with reference to G.O.Ms.525 School Education Department dated 29.02.1997 – teachers are needed for the student strength between 106-140)
7	38	
8	47	
Total	130	

Sanctioned Post	Eligible Post	Surplus post with teacher to be deployed to the needy schools
Tamil – 0	Tamil – 0	Tamil – 0
English – 1	English – 1	English – 0
Maths – 1	Maths – 1	Maths – 0
Science – 2	Science – 1	Science – 1
Social Science – 1	Social Science – 1	Social Science – 0
Secondary Grade Teacher – 10	Secondary Grade Teacher – 4	Secondary Grade Teacher – 6

6. Accordingly five B.T. Assistants and ten Secondary Grade Teachers were working in the school in which, one B.T Assistant and six Secondary Grade Teachers were working in the surplus post. There are



W.P.No.3349 of 2020

two Secondary Grade Teachers who had completed graduate degree in Tamil and as such the appointment of the petitioner is completely unnecessary and the proposal of her appointment was rightly returned by the fourth respondent. This Court finds no infirmity or illegality in the order passed by the fourth respondent and the writ petition is devoid of merits and liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

20.08.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



WEB COPY



W.P.No.3349 of 2020

G.K.ILANTHIRAIYAN. J.

rts

To

1. The Secretary,
State of Tamil Nadu
Education Department,
Fort St. George,
Chennai – 600 009.
2. The Director of Elementary Education,
DPI Campus, Chennai – 600 006.
3. The District Educational Officer,
Thiruvannamalai.
4. The Additional Assistant Elementary
Education Officer now re-designated as
Block Educational Officer,
Polur.
5. The Central Manager/Education Board,
Arcot Lutheran Church,
Danish Mission Elementary and Higher
Elementary Schools,
ALC Central Office,
9 ALC Campus, Cuddalore.

W.P.No.3349 of 2020
and W.M.P.Nos.3886 & 3887 of 2020

20.08.2024